IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:11CV119

URBAN SMITH,)	
Plaintiff,)	
VS.) ORDER	
TOYOTA MOTORS,)	
Defendant.)))	

This matter is before the court upon Defendant's Motion to Dismiss, pursuant to Rules 12(b)(5) and 12(b)(6) of the Federal Rules of Civil Procedure. On April 27, 2011, the court entered an Order directing the *pro se* Plaintiff to file a response in opposition to the motion within fourteen days. To date, the Plaintiff has failed to file any such response or request an extension of time to do so.

Plaintiff's Complaint alleges that the Defendant Toyota Motors (a non-existent entity) violated the Fair Credit Reporting Act ("FCRA") by failing to list his account as "disputed" with three major credit bureaus after receiving a dispute letter from the Plaintiff. The court has considered the Defendant's Motion to Dismiss and finds that Plaintiff has failed to properly serve the Defendant and that a private right of action does not exist for the claimed violation of the FCRA. Accordingly,

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss is hereby granted and this case is hereby dismissed with prejudice.

Signed: May 11, 2011

Graham C. Mullen United States District Judge